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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,124	02/12/2002	Lee Ming Cheng	P-370.240	7727

7590 04/17/2006

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EXAMINER

CHAI, LONGBIT

ART UNIT PAPER NUMBER

2131

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/074,124

Applicant(s)

CHENG ET AL.

Examiner

Longbit Chai

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.

CEL 4/12/06
**CHRISTOPHER REVAK
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

As per claim 1 and 2 (& its associated dependent claims), Applicant remarks: the new 112 rejections presented in Final Office action (dated 1/27/2006) should not be considered as necessitated by the amendments due to the minor corrections from the amended claim 1 and 2. Examiner agrees and withdraws the new 112 rejections presented in Final Office action (dated 1/27/2006) associated with claim 1 and 2.

As per claim 7 (& its associated dependent claim 10), the new rejections in Final Office action (dated 1/27/2006) are necessitated by the amendments due to the significance of the claim limitation amendments. Examiner notes: (a) the condition of allowance would not be considered until the Office has received the formal submission of Terminal Disclaimer from the applicant, (b) Applicant argues: "Becker does not teach randomly selecting an output sequence". Examiner disagrees because Becker teaches the output sequence is selected at any instant through the address inputs, where the address inputs of the selector are connected to the outputs of others of the shift registers of the same re-circulatory loop associated with the "pseudo-random generator" (Becker: Column 1 Line 34 - 46) and the address inputs of the selector is thereby random by the nature of the pseudo-random re-circulatory loop and as such the output sequence is therefore random in the nature.

As per claim 10, the new 112-rejection is maintained due to the dependency to the claim 7 necessitated by the amendments as stated above. Examiner notes the claim limitation "the output sequence is randomly selected by applying one of the second plurality of binary sequences to a shift register" is not clearly and concisely defined / specified in a manner which can be carried out by one skilled in the art because Examiner notes the claim language "the output sequence is randomly selected by applying one of the second plurality of binary sequences to a shift register" is unclear as to the output sequence is randomly selected can be interpreted as randomly generated (i.e. the word "generation" is also equivalent to the word "selection" because the output of the random sequence can also be considered as carefully selected from a series of "multiple different stages" of shift registers) after applying one of the second plurality of binary sequences to the shift registers – i.e. the output of the shift registers from the input of one of the second plurality of binary sequences "directly" constitutes the desired output sequence. Applicant responds: "the output sequence is the output 17 of MUX 2, which is controlled by the shift register output K2. The shift register input is randomized by applying to it one of the second plurality of binary sequences via MUX 1, which in turn is controlled by the shift register (output K1)". However, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).